

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 5, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 29, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated July 29, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **SPECIAL PRESENTATIONS:**

A. Tom Ash, Mary Burt and Roméo Guerra were inducted into the Star City Superstar Hall of Fame.

4) **CLAIMS FOR REVIEW:**

A. **Payment Voucher 784-8045 dated July 11, 2003 - Community Mental Health has requested payment to Denise Snodgrass Sahele, totaling \$41.22, for mileage charges from March 24, 2003 through July 14, 2003. This claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

MOTION: Workman moved and Hudkins seconded approval of Payment Voucher 784-8045 dated July 11, 2003 - Community Mental Health has requested payment to Denise Snodgrass Sahele, totaling \$41.22, for mileage charges from March 24, 2003 through July 14, 2003. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **CLAIMS: Approval of all claims processed through Tuesday, August 5, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of all claims through August 5, 2003. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **PUBLIC HEARINGS:**

A. **County Change of Zone 211, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., from AG Agricultural to AGR Agricultural Residential, on property generally located at the northwest corner of South 68th Street and Roca Road in Lancaster County, Nebraska.**

B. **County Preliminary Plat 02029, The Preserve at Cross Creek, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., to create 15 lots for residential acreages on property generally located at the northwest corner of South 68th Street and Roca Road in Lancaster County, Nebraska.**

Board consensus to hear Public Hearing Items 6A and 6B together.

The Chair opened the public hearings and asked if anyone wanted to testify in favor of the proposals.

6) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Brian Carstens, appearing on behalf of Land II L.L.C..

Carstens gave an overview of the change of zone and preliminary plat indicating that the change of zone is not in conformance with the Comprehensive Plan. He noted that there are numerous five-acre lots on the south side of Roca Road and also in Hickman Ridge, which consists of approximately 30 new acreage lots, and are located south and east of the proposal.

The Clerk administered the oath to Dan Kubr with Land II, L.L.C..

In response to a question asked by Workman, Kubr stated Land II, L.L.C. owns 40 acres to the south of the proposed change of zone and preliminary plat. He added that at some point they would request a change of zone for the 40 acres.

Hudkins stated that the County Board, as well as the Planning Department, received a letter from Jim Chambers, property owner to the north, indicating that he has no objections to the proposal, but would like to ensure that future property owners are made aware of the fact that he has an airstrip.

Stevens inquired whether the City of Hickman was in support of the proposal.

Kubr stated the Hickman City Council directed the City Clerk to draft a letter indicating they had no opposition to the proposal.

In response to a question asked by Stevens regarding septic systems, Kubr stated they are proposed, however, pre-percolation tests would be conducted on all of the lots to make a determination as to the type of septic system to be used.

Schorr inquired about the time frame of the project and its correlation with the improvement of South 68th Street.

Kubr stated they would like to proceed as quick as possible. He stated he couldn't give a definite answer, but that it is his understanding the improvement of South 68th Street will be in 2004.

David Johnson, Deputy County Attorney, requested the Factsheet for County Change of Zone 211 (Exhibit 1) and the Factsheet for County Preliminary Plat 02029 (Exhibit 2) be made a part of the record.

6) **PUBLIC HEARINGS CONTINUED:**

Kerry Eagan, Chief Administrative Officer, appeared and indicated he received a telephone call from Jim Chambers indicating he has a single family airstrip on his property to the north of the proposed development.

The Clerk administered the oath to Mike DeKalb, Planning Department.

In response to a question asked by Stevens regarding the rural acreage studies, DeKalb stated they hope to have two of the studies, if not all three, to the County Board in September.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position to the proposals.

The Clerk administered the oath to Bruce Kuster, 16600 South 54th Street.

Kuster testified in opposition stating the property should not be developed for the following reasons:

- ▶ Proposal is not in conformance with the Comprehensive Plan.
- ▶ Property lies within a floodplain.
- ▶ Portion of the property is native grassland/prairie and should be preserved.
- ▶ Portion of the property is a wetland.
- ▶ Safety and traffic issues.

No one else appeared in favor, opposition or in a neutral position and the Chair closed the public hearings.

MOTION: Stevens moved and Schorr seconded to place County Change of Zone 211 and County Preliminary Plat 02029 on pending.

Hudkins asked Stevens why he wanted to place the items on pending.

Stevens stated to allow for completion of the rural acreage study.

ROLL CALL: Stevens and Schorr voted yes. Workman, Hudkins and Heier voted no. Motion failed.

MOTION: Hudkins moved approval of County Change of Zone 211 and County Preliminary Plat 02029 and to request the County Attorney's Office to draft a resolution.

6) **PUBLIC HEARINGS CONTINUED:**

Johnson requested that separate motions be made for each proposal with the change of zone being acted on first.

MOTION: Hudkins moved and Heier seconded approval of County Change of Zone 211. Hudkins and Heier voted yes. Workman, Schorr and Stevens voted no. Motion failed.

Extensive discussion took place regarding the status of applications for County Change of Zone 211 and County Preliminary Plat 02029.

MOTION: Schorr moved and Hudkins seconded to place County Change of Zone 211, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C. on pending until the rural acreage studies are completed. Stevens, Hudkins, Schorr and Heier voted aye. Workman voted no. Motion carried.

MOTION: Stevens moved and Hudkins seconded to place County Preliminary Plat 02029, The Preserve at Cross Creek, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C. on pending until the rural acreage studies are completed. Hudkins, Schorr, Stevens and Heier voted aye. Workman voted no. Motion carried.

C. An application for an amusement license from Paul Ramirez on behalf of Lincoln City Church to hold Christ Fest 2003, beginning Friday, August 8, 2003 and ending Sunday, August 10, 2003 from 10 a.m. to 11:30 p.m. at 5001 South 1st Street in Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Paul Ramirez, applicant.

Ramirez gave a brief overview of documentation disseminated regarding an addendum to the application for an amusement license (Exhibit 3). He stated all requirements had been met with the exception of contacting Dave Alder, Lincoln Parks and Recreation, regarding signage in the pull off areas around Wilderness Park on Old Cheney Road and Pioneers Boulevard. Ramirez stated he would continue to contact Alder.

6) **PUBLIC HEARINGS CONTINUED:**

Workman asked Sheriff Wagner if their concerns had been addressed.

The Clerk administered the oath to Terry Wagner, County Sheriff.

Wagner stated that Sergeant Houchin and Captain Duncan had reviewed the application and outlined any concerns in their recommendation. He added that those concerns have been addressed in the addendum submitted by Mr. Ramirez.

Heier asked if all requirements had been met.

Johnson stated notice requirements, with regard to Nebraska State Statutes, had been met.

The Clerk administered the oath to Gwen Thorpe, Deputy Chief Administrative Officer.

Thorpe stated the County requirements indicate that the public hearing will be held one week prior to the event so any unresolved issue(s) can be settled.

In response to a question asked by Heier, Thorpe stated there was nothing specific to waiving the requirements in the County's guidelines.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position.

No one appeared and the hearing was closed.

MOTION: Workman moved and Stevens seconded approval of an application for an amusement license from Paul Ramirez on behalf of Lincoln City Church to hold Christ Fest 2003 on August 8, August 9 and August 10, 2003 from 10 a.m. to 11:30 p.m. waiving the requirement that the public hearing be held one week prior to the event.

Heier stated he is in favor of the event, however, he could not support the motion because all requirements were not met. He added that other applicants did not meet the requirements and have been turned down.

6) **PUBLIC HEARINGS CONTINUED:**

ROLL CALL: Schorr, Stevens, Workman and Hudkins voted aye. Heier voted no. Motion carried.

7) **OLD BUSINESS:**

A. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and David Frank Stava, in the total amount of \$3,726.95, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (2 contracts) (C-03-0374 and C-03-0375)

MOTION: Stevens moved and Workman seconded approval of right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and David Frank Stava, in the total amount of \$3,726.95, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). Workman, Stevens and Schorr voted aye. Hudkins and Heier voted no. Motion carried.

8) **NEW BUSINESS:**

A. An application for a Special Designated License from Richard L. Elofson d/b/a Little Ricky's Saloon to hold a wedding reception on Saturday, August 30, 2003 from 8 a.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.

Richard Elofson, applicant, appeared to answer questions.

MOTION: Stevens moved and Workman seconded approval of an application for a Special Designated License from Richard L. Elofson d/b/a Little Ricky's Saloon to hold a wedding reception on Saturday, August 30, 2003 from 8 a.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska subject to the conditions as outlined by the County Engineering Department and the Sheriff. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

8) NEW BUSINESS CONTINUED:

- B. An agreement with the State of Nebraska, Department of Roads for a state recreation road project under Project Number SRR-55(146) in the Stagecoach Recreation Area for improvements to a road which has deteriorated. The estimated cost of construction is \$94,500. The County shall be responsible for 50 percent of the construction costs and the State shall be responsible for 50 percent of the construction costs. The County shall provide all costs for preliminary surveys, plans, specifications, advertising, award of contract and supervision and inspection of construction activities. (C-03-0381)**

MOTION: Workman moved and Hudkins seconded approval of an agreement with the State of Nebraska, Department of Roads for a state recreation road project under Project Number SRR-55(146) in the Stagecoach Recreation Area for improvements to a road which has deteriorated. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- C. An agreement with the Child Guidance Center for case management services at the Juvenile Detention Center. Services shall include the coordination of services for children identified as having mental health issues and who are detained at the Juvenile Detention Center. The term of the agreement is from July 1, 2003 to June 30, 2004. The County shall pay up to \$54,525 for the services based upon documentation for reimbursement. (C-03-0382)**

MOTION: Schorr moved and Stevens seconded approval of an agreement with the Child Guidance Center for case management services at the Juvenile Detention Center. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- D. An agreement with Milliman U.S.A. for consulting services for the Lancaster County medical and dental employee benefit plan. The term of the agreement is from June 1, 2003 to May 31, 2004. The County shall pay a first year fee of \$9,900. (C-03-0383)**

MOTION: Hudkins moved and Stevens seconded approval of an agreement with Milliman U.S.A. for consulting services for the Lancaster County medical and dental employee benefit plan. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

E. Authorization for Cline, Williams, Wright, Johnson & Oldfather, L.L.P., to retain the New York law firm of Reisman, Peirez & Reisman, L.L.P. to represent Lancaster County's interest in bankruptcy proceedings filed by WorldCom, Inc. The retainer shall be in the amount of \$1,250 and shall be applied against time incurred at the hourly rates provided by the firm. The County's interest in the bankruptcy relates to tax obligations of the debtor.

MOTION: Workman moved and Stevens seconded approval of authorizing Cline, Williams, Wright, Johnson & Oldfather, L.L.P., to retain the New York law firm of Reisman, Peirez & Reisman, L.L.P. to represent Lancaster County's interest in bankruptcy proceedings filed by WorldCom, Inc..

Johnson explained that Cline Williams would retain the New York law firm to represent the County's interests. He said it was his understanding that they (Cline Williams) have made payment to the law firm in New York and were now recouping those costs.

ROLL CALL: Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

F. Annual report beginning July 1, 2002 through June 30, 2003 for the Lancaster County Veterans' Service Center.

Gary Chalupa, Veterans Service Officer, gave an overview of the report.

MOTION: Schorr moved and Hudkins seconded approval of an annual report beginning July 1, 2002 through June 30, 2003 for the Lancaster County Veterans' Service Center. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

G. Adoption of revised by-laws for the Lancaster County Visitors Promotion Committee, effective August 29, 2003.

Eagan explained that recent legislation now allows the size of the committee to be increased from five individuals to seven.

He added they would be selecting two ex-officio members, one representing the City Council and one representing the University of Nebraska.

8) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded to adopt revised by-laws for the Lancaster County Visitors Promotion Committee, effective August 29, 2003. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

H. A political subdivision tort claim filed against Lancaster County by Bob Massoth, in the amount of \$470, for damage to property.

Johnson stated that there is an exception to the Political Subdivision Tort Claim Act which indicates that, "Any claim based upon an act or omission of an employee of a political subdivision exercising due care in the execution of a statute, ordinance or officially adopted resolution, rule or regulation, whether or not such statute, ordinance, resolution, rule or regulation is valid." He stated there is not believed to be any negligence on the part of the Sheriff's Office in the case. If there was negligence, he stated, it would be superceded by the negligence of the individual that they were apprehending since the individual attempted to abscond.

Recommendation was denial.

MOTION: Workman moved and Stevens seconded denial of a tort claim filed against Lancaster County by Bob Massoth, in the amount of \$470, for damage to property. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

(Schorr exited the Chambers at 3:30 p.m..)

9) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. A resolution in the matter of amending the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards which provides recent changes in Nebraska and EPA air quality requirements and emergency electric generators. (R-03-0071)

B. An application for Public Entity Insurance coverage to Coregis. (C-03-0397)

9) CONSENT ITEMS CONTINUED:

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Jeffrey L. and Ruth A. Schell, in the amount of \$82.50, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (C-03-0384)
- ▶ Genevieve A. Grossman, in the amount of \$101.75, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (C-03-0385)
- ▶ Great Western Bank, Trustee, one-half mile south of West Little Salt Road on Northwest 126th Street; Project C.P.D-248. This is a donation. (C-03-0386)
- ▶ Egger Family Partnership, in the amount of \$288.60, south of West Princeton Road on Southwest 14th Street; Project C.P.W-62. (C-03-0387)
- ▶ Willard Dovenbarger, in the amount of \$185.50, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (C-03-0388)
- ▶ Gary L. and Kimberly K. Burruss, in the amount of \$285, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (C-03-0389)
- ▶ Robert J. Tlamka, in the amount of \$168, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (C-03-0390)
- ▶ Robin Boring, in the total amount of \$9,531.65, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (2 contracts) (C-03-0391 and C-03-0392)
- ▶ Dale and Janette C. Sackett, in the total amount of \$4,208, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (2 contracts) (C-03-0393 and C-03-0394)
- ▶ Gary A. and Beth A. Detweiler, in the total amount of \$1,440.98, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (2 contracts) (C-03-0395 and C-03-0396)

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Hudkins, Workman, Stevens and Heier voted aye. Schorr was absent from voting. Motion carried.

10) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 3:35 p.m.. Hudkins, Stevens, Workman and Heier voted aye. Schorr was absent from voting. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 5, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Deb Schorr

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:35 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 29, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization dated July 29, 2003. Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was not public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

Approval of 94 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls for voucher numbers 1389 through 1448 and voucher numbers 1461 through 1482. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

Heier declared a conflict of interest on voucher numbers 1449 through 1460.

MOTION: Stevens moved and Hudkins seconded approval of additions and deductions to the tax assessment rolls for voucher numbers 1449 through 1460. Stevens, Workman and Hudkins voted aye. Heier abstained from voting. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Christ's Place
Christian Heritage
Developmental Services of Nebraska Inc.
Lincoln Christian School

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, August 19, 2003 immediately following the regular meeting of the Board of Commissioners, which begins at 1:30 p.m., in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for the following:

Centerpointe Inc.
Campbell's Nurseries & Garden Center Inc.
City of Lincoln

MOTION: Hudkins moved and Workman seconded to set a public hearing for Tuesday, August 19, 2003 immediately following the regular meeting of the Board of Commissioners, which begins at 1:30 p.m., in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for Centerpointe Inc., Campbell's Nurseries & Garden Center Inc. and the City of Lincoln. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

6) **RECONSIDERATION OF A 2003 451 TAX EXEMPTION:**

Parkview Christian School

MOTION: Workman moved and Hudkins seconded approval of a 2003 451 tax exemption for Parkview Christian School.

Stevens asked if there should be a motion to reconsider.

Both the maker of the motion and the seconder agreed to withdraw the previous motion.

MOTION: Hudkins moved and Workman seconded to reconsider the 2003 451 tax exemption for Parkview Christian School. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

Norm Agena, County Assessor/Register of Deeds, recommended approval.

MOTION: Hudkins moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 451 tax exemption for 2003 for Parkview Christian School. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Workman moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:37 p.m. Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf, County Clerk